

FREDERICK COUNTY PLANNING COMMISSION

Minutes of Meeting for

May 12, 2021

Virtual Meeting

See video for further meeting details: <http://frederickcountymd.gov/5956/Video-Archives>

Members Present: Sharon Suarez, Chair; Sam Tressler, Vice-Chair; Craig Hicks, Secretary; Terry Bowie, Joel Rensberger, Carole Sepe, Michael Sowell.

Staff Present; Mike Wilkins, Development Review Director; Kimberly Golden Brandt, Livable Frederick Director; Denis Superczynski, Livable Frederick Planning Manager; Kathy Mitchell, Senior Assistant County Attorney; Ashley Moore, Principal Planner; Jerry Muir, Principal Planner; Mark Mishler, Traffic Engineer; Steven C. Horn, Director, Planning and Permitting Division; Pattie Wolfgang, Administrative Specialist; Karen James, Administrative Specialist.

The meeting was called to order at 9:33 a.m.

1. **PLEDGE OF ALLEGIANCE** Mr. Tressler
2. **ROLL CALL** Ms. Suarez. All Planning Commissioners present.
3. **PROCEDURAL REMINDERS**
Discussion of Planning Commission meeting procedures. Kathy Mitchell, County Attorney's Office.

Item #1 Abstention versus Recusal

Item #2 Ex parte Communications

Item #3 Motions and Statements

Extensive definitions were provided (along with examples) of the above by Ms. Mitchell. She also invited Planning Commission members to contact her office should they have questions or require assistance.

Planning Commission members were encouraged by Ms. Suarez to speak out, but urged caution that statements made not inadvertently become part of a motion. Members were then given an opportunity to ask questions of Ms. Mitchell and Ms. Suarez. One question was about conflict of interest and examples were provided. Another involved more discussion of abstaining and recusing. Ms. Sepe followed up with a question about recusals.

4. PLANNING COMMISSION COMMENTS

Mr. Rensberger asked if there is a plan yet to return to meetings at Winchester Hall. Question was posed to Mr. Wilkins. Response, “no plan yet.” Mr. Wilkins assured the Commission members that he will let them know of any updates.

5. AGENCY COMMENTS / AGENDA BRIEFING

Updates by Mr. Wilkins: The next FCPC meeting will be May 26, to facilitate the FCPC discussion topics list. There will also be a Livable Frederick Update. At the June 9th FCPC meeting there will be five development review items, as well as many water and sewer plan amendments for consideration.

6. MPCA UPDATE

A presentation by the Maryland Planning Commissioners Association was given by Bill Butts, vice president and Roxanne Hemphill, secretary. Mr. Butts spoke about upcoming MPCA events. A primary goal of the organization, founded in 1983, is continuing education. The MPCA seeks to improve communication on the local level and increase cooperation and coordination between its communities. Workshops are available at annual conferences. Regional workshops are also held, as well as virtual workshops. Commissioners were then invited to ask questions. Requests were made to provide the FCPC information on the MPCA mentoring program.

Five minute break. Meeting resumed, all FCPC Members present.

7. LEGISLATION

- a) [Bill 21-03 Revisions to School Construction Fees](#) – To amend Section 1-20-62 of the Frederick County Code to adjust the School Construction Fee to match the actual cost of building schools. Presentation given by Steve McKay, Council Member.

Mr. McKay talked about the legislative history of school construction fees, and in particular, the 2011 School Construction Fee.

Mr. McKay; Kelly Weaver, Director, Budget Office; and Janice Spiegel, Education and Special Initiatives Director took questions from the FCPC, More cost-based information was given to FCPC members.

Public Comment – Two callers

#1 Danielle Adams, Myersville, Maryland, Executive Officer, Frederick County Building Industry Association.

#2 Eric Soter, Rodgers Consulting, Germantown, Maryland.

FCPC members posed several questions to Mr. Soter, regarding dollar amounts and what impact Bill 21-03 will have.

Mr. McKay then was given time for rebuttal.

Mr. Hicks - Motion made that the Frederick County Planning Commission recommend that the Frederick County Council enact Bill 21-03 Revision to School Construction Fees. Second by Mr. Tressler, followed by discussion.

FOR: 4 – Hicks, Tressler, Sowell, Suarez

AGAINST: 3 - Sepe, Rensberger, Bowie

ABSTAIN: 0

ABSENT: 0

Motion carries.

Lunch break – 12:58 p.m.

Meeting resumed 1:45 p.m. Roll taken. Six members present. Mr. Sowell not present.

8. **SITE PLAN**

- a) [Frederick Industrial, Lot 3-Midmost, LLC](#) – The Applicant is requesting Site Development Plan approval for the construction of a 34,827 sq. ft. warehouse/office building located on 2.56 acres of the overall 10.49-acre Site. Located Southeast of the intersection of Industry Lane and Grove Road. Tax Map 77, Parcel 19; Zoned: General Commercial (GC); Planning Region: Frederick. P81-28 (A/P#260629, A260630, F26Y0631). Ashley Moore, Principal Planner. Applicant representation present: Fran Zeller, Harris, Smariga and Associates; Jim Mackintosh.

Ms. Moore presented the Staff Report.

Applicant team then presented to FCPC.

FCPC members posed questions to Mr. Zeller and expressed concerns with regard to truck circulation and parking.

No public comment.

Ms Sepe questioned the height of the light poles and discrepancy between the staff report and drawings and asked that Ms Moore make the correction on the staff report to match drawings.

Mr. Tressler - Motion made The Frederick County Planning Commission conditionally approve Site Plan SP81-28 AP SP260629, A260630, F260631 including APFO approval with modifications as listed in the staff report of the proposed site plan based on the findings and conclusions of the staff report and

the testimony, exhibits and documentary evidence produced at the public meeting.

Second by Mr. Rensberger

FOR: 5 – Sepe, Rensberger, Tressler, Bowie, Suarez

AGAINST: 1 - Hicks

ABSTAIN: 0

ABSENT: 1 - Sowell

Motion carries.

- b) [TowerCom Butterfly Lane](#) – The Applicant is requesting Site Development Plan approval to construct a 110 foot monopole cell tower located at 6249 Ed Crone Lane. Tax Map 76, Parcel 38; Zoned: Agricultural (A); Planning Region: Frederick. SP20-08 (A/P#261692, A261690, F261691). Jerry Muir, Principal Planner.

Mr. Wilkins introduced Mr. Muir, who presented the Staff Report.

Applicant team Josh Schakola, Verizon Wireless. FCPC members had no questions.

No public comment.

Ms. Sepe asked to confirm that the site plan location presented to FCPC was the location approved by BZA.

Mr. Hicks - Motion made that the Frederick County Planning Commission approve Site Plan SP20-08 A/P261692, A261690 and F261691 for the conditions as listed in the report for the proposed TowerCom Butterfly Lane communications tower located at 6249 Ed Crone Lane, based on the findings and conclusions of the staff report and the testimony, exhibits and documentary evidence produced at the public meeting.

Second by Mr. Tressler.

FOR: 6 – Hicks, Tressler, Rensberger, Suarez, Sepe, Bowie

AGAINST: 0

ABSTAIN: 0

ABSENT: 1 - Sowell

Motion carries.

9. LIVABLE FREDERICK UPDATE

Kimberly Golden Brandt Director, Livable Frederick, talked about the Calendar Year 2020 Annual Report to the Maryland Department of Planning. The report will be on the May 26 agenda of the Frederick County Planning Commission for adoption so it can be submitted to the Maryland Department of Planning in advance of the statutory deadline.

Denis Superczynski, Livable Frederick Planning Manager, talked about reporting permitting numbers, with the differences/discrepancies noted less than 1 percent. The development capacity analysis was discussed. Ms. Brandt stated that staff is planning to work with the Office of Sustainability on a new Water Resources Element, which will include a capacity analysis.

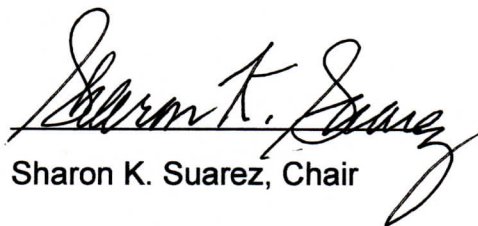
Mr. Hicks expressed concern that the State's reporting form does not address all statutory reporting requirements. Ms. Brandt noted that compliance among local governments is low and it is likely that the reporting form is intentionally abbreviated to encourage compliance. Ms. Brandt also offered that Maryland Department of Planning's reporting form, which local governments are encouraged to use, is intended to make compilation for the State report easier. Ms. Brandt noted that staff still plans to work with the Planning Commission to develop a report that meets the County's needs.

Steve Horn, Division Director, Planning and Permitting, offered to invite Chuck Boyd, Director of Planning Coordination, Maryland Department of Planning to a future meeting to discuss the State reporting requirements.

A moment of silence was observed in remembrance of Kelly Vanaman, Division of Planning and Permitting staff member who passed away in December of last year.

Motion to adjourn by Mr. Tressler, second by Mr. Hicks. Show of hands, vote unanimous (6-0-1 absent). Meeting adjourned at 3:30 p.m.

Respectfully Submitted,


Sharon K. Suarez, Chair


Date